

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Robert Zappulla,

Plaintiff,

v.

United States of America,

Defendant.

Case No. 2:21-cv-00901-CDS -NJK

**ORDER GRANTING
Stipulation to Extend Remaining
Deadlines (Third Request)**

Pursuant to LR 26-3, the parties, by and through their respective counsel of record, stipulate and request that this Court extend all remaining deadlines by sixty (60) days. This is the third request for an extension of time.

A. Discovery Completed

1. On May 7, 2021, Plaintiff filed his Complaint. ECF No. 1.
2. On July 13, 2021, Plaintiff filed his First Amended Complaint. ECF No. 8.
3. On August 13, 2021, the United States filed its Answer. ECF No. 9.
4. On September 22, 2021, the parties submitted a Joint Discovery Plan and Scheduling Order. ECF No. 10.
5. On September 23, 2021, the Court entered a Joint Proposed Discovery Plan and Scheduling Order. ECF No. 11.
6. On October 8, 2021, Plaintiff served his initial FRCP 26(a)(1) disclosures.

1 7. On October 12, 2021, the United States served its initial FRCP 26(a)(1)
2 disclosures.

3 8. On October 18, 2021, Plaintiff provided an executed HIPAA release.

4 9. On February 4, 2022, Defendant took Plaintiff's deposition.

5 10. On February 18, 2022, the United States issued and served 15 subpoenas on
6 the following medical providers and other third-parties: Advanced Orthopedics & Sports
7 Medicine, Anesthesiology Consultants, JRJ Investments, Inc. dba Audi Las Vegas, CCSMI,
8 Clinical Neurology Specialists, Desert Radiology, Kinex Medical Company, LLC,
9 Orthopedic Institute of Henderson, Primary Care Consultants, Steinberg Diagnostic
10 Medical Imaging, Select Physical Therapy, Southern Hills Hospital & Medical Center, The
11 Spine & Brain Institute, UMC Hospital, and UMR, Inc.

12 While the United States has received various records or responses from these
13 providers and third-parties, the United States is currently following-up on providers that
14 have not responded as of yet. With the pandemic, medical providers are taking longer than
15 usual to process, fulfill, and comply with subpoenas. Further, the United States requires
16 additional time to process and produce the records already received and continues to
17 receive.

18 11. On April 21, 2022, Plaintiff inspected the USPS vehicle.

19 **B. Discovery Remaining**

20 The discovery that remains to be completed includes:

- 21 1. Written discovery.
- 22 2. Depositions of treating physicians, and other necessary third-parties.
- 23 3. Subpoena and production of additional medical records and billing.
- 24 4. Expert disclosures and depositions.
- 25 5. Any discovery contemplated under the Federal Rules of Civil Procedure.

26 **C. Reason for Requested Extension**

27 This case involves a motor vehicle-pedestrian accident that occurred in the parking
28 lot of a car dealership. The medical records in this case are expansive. As such, the parties

1 have exchanged medical records and administrative claim records and are currently
 2 attempting to obtain and still receiving additional medical records, as well as other records,
 3 from third-parties. The U.S. Attorney's Office has experienced delays in obtaining and
 4 processing these records due to limited staffing and continued teleworking. In addition,
 5 scheduling depositions at agreeable dates took more time than expected. Therefore, the
 6 parties seek to extend discovery sixty (60) days to give the parties ample time to obtain,
 7 process, and produce additional medical records and obtain transcripts of fact witness
 8 depositions before the current expert disclosure deadline of May 10, 2022. This request for
 9 an extension of time is not sought for delay. Rather, it is sought by the parties solely for the
 10 purpose of allowing sufficient time to conduct discovery. This extension is being sought
 11 after the 21-day deadline provided by LR 26-3. However, excusable neglect exists due to the
 12 short staffing of civil defensive AUSA's and the additional caseload resulting therefrom.

13 **D. Proposed revised schedule**

	<u>Current Deadline</u>	<u>New Deadline</u>
Discovery Cut-Off	July 11, 2022	September 9, 2022
Expert Disclosure Deadline	May 10, 2022	July 11, 2022
Rebuttal Expert Disclosure Deadline	June 10, 2022	August 9, 2022
Dispositive Motion Deadline	August 8, 2022	October 7, 2022
Proposed Joint Pre-Trial Order	September 9, 2022	November 8, 2022

DATED this 22nd day of April 2022. DATED this 22nd day of April 2022.

CHRISTOPHER CHIOU
Acting United States Attorney

By: /s/Skyler H. Pearson
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IT IS SO ORDERED:

DATED April 25, 2022.

UNITED STATES MAGISTRATE JUDGE